

Meeting Summary
Motor Vehicle Dealer Board
Monday, September 13, 2021

Chairman Rick Holcomb called the Dealer Board meeting to order at 10:11 a.m. The meeting was held at the Virginia Science Museum, 2500 W. Broad Street, 1st floor – RF&P Forum room. Roll call confirmed the following 12 Board members being present: Dan Banister, Gardner Britt, David Duncan, Rob Fisher, Ron Kody, Chris Maher, Mark Riblett, Senior Saghafi, Maurice Slaughter, Don Sullivan and Andrew Wiley. Those absent included Ted Bailey, Michael Bor, Liza Borches, Dennis Ellmer, Steve Farmer, Randy Harris and Geoff Malloy. Executive Director William Childress, Lisa Mack-Nelson, Micah Bailey and Ann Majors represented the Dealer Board. Christian Parrish represented the Attorney General's Office. Alice Weedon was the recording secretary.

The July 12, 2021 meeting summary was approved.

PUBLIC COMMENT – No public comment.

STATUTORY COMMITTEE REPORTS

Dealer Practices Committee

Committee Chairman Kody summarized discussions held and actions taken during the Committee Meeting.

Review and Action: Informal Fact-Finding Conferences

Cash 4 Your Auto, LLC and Aimal Siddiqi. Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Cash 4 Your Auto and Aimal Siddiqi for alleged violations of Va. Code sections §46.2-1529, 46.2-1533 and 46.2-1575 (2). Based on due consideration, the Board believes that the following actions should be taken against Cash 4 Your Auto and Aimal Siddiqi: Assessed a civil penalty of \$1,000.00; and Cash 4 Your Auto shall be inspected by a Motor Vehicle Dealer Board field representative by October 18, 2021 and that inspection shall be satisfactory; and Aimal Siddiqi shall successfully complete the dealer-operator course by March 13, 2022. That the Board mandates that Aimal Siddiqi hereby be assessed a civil penalty of \$1,000.00; and the Cash 4 Your Auto dealership shall satisfactorily pass an inspection conducted by a Motor Vehicle Dealer Board field representative on or before October 18, 2021, and Aimal Siddiqi shall successfully complete the dealer-operator course by March 13, 2022. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Cash 4 Your Auto dealership, and Aimal Siddiqi successfully complies with the Board's mandates.

Rib Fisher seconded. The motion carried unanimously.

Millennial Automotive, LLC and Ms. Kayana Murray. Committee Chairman Kody made the following motion: The Board has reviewed and considered the facts and evidence and the report of an informal fact finding conference as prepared by the hearing officer concerning Millennial Automotive and Kayana Murray for alleged violations of Va. Code sections §46.2-1529, 46.2-1542, 46.2-1559, and 46.2-1575 (6). Based on due consideration, the Board believes that the following actions should be taken against Millennial Automotive and Kayana Murray: Assessed a civil penalty of \$36,500.00; and suspend all licenses and certificates issued by the Board to Kayana Murray until the Department of Motor Vehicles' Law Enforcement Division conducts an investigation into Millennial Automotive and provides a report from that investigation to the Motor Vehicle Dealer Board during a regularly scheduled meeting; and Kayana Murray shall successfully complete the dealer-operator course by March 13, 2022. The Board mandates that Kayana Murray hereby be assessed a civil penalty of \$36,500; and all licenses and certificates issued to Kayana Murray by the Board are suspended until the Board has been provided and reviewed a report submitted by the Department of Motor Vehicles' Law Enforcement Division during a future meeting; and Kayana Murray shall successfully complete the dealer-operator course by March 13, 2022. Failure to comply with the Board's mandates by the required dates will result in the suspension of all licenses and certificates issued by the Board until such time the Millennial Automotive dealership and Kayana Murray successfully complies with the Board's mandates.

Rob Fisher seconded. The motion carried unanimously.

Licensing Committee

Committee Vice-Chairman Slaughter reported quorum in place; however, no discussions or action items were on the agenda for the committee to consider.

Advertising Committee

Committee Chairman Duncan reported his committee did not have a quorum, therefore the committee did not meet.

Transaction Recovery Fund Committee

Committee Chairman Maher reported quorum in place and summarized discussions held and actions taken during the Committee Meeting.

Review and Action: Information Fact-Finding Conferences

Jade Doucet vs. Value Motors RVA. Committee Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund ("Fund"), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$5,054.00 should be denied.

Don Sullivan seconded. The motion carried unanimously.

Arthur J. Johnson vs. Icon Motor Sport, LLC and Dwayne T. Brown. Committee Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$25,000.00 should be approved.

Rob Fisher seconded. All in favor: 7 (Duncan, Fisher, Holcomb, Maher, Riblett, Sullivan and Wiley). Opposed: 5 (Banister, Britt, Kody, Sagahfi and Slaughter). The motion carried.

NOTE: Substitute Motion was made by Dan Banister to table this issue to the November meeting. Ron Kody seconded. All in favor: 6 (Kody, Britt, Banister, Sagahfi, Slaughter and Holcomb). Opposed: 6 (Duncan, Fisher, Maher, Riblett, Sullivan and Wiley). The motion failed. Original motion stands.

Herbert A. Martinez Flores vs. Mid Atlantic Truck Center/advertised as Yasini Auto Gallery and Murtaza Mostamandi and Hares Yasini. Committee Chairman Maher made the following motion: Pursuant to Section §46.2-1527.1 et seq. of the Code of Virginia, which is known as the Motor Vehicle Transaction Recovery Fund (“Fund”), the Board has reviewed and considered claims submitted for payment from the Fund, and the recommendation of the Hearing Officer on the claim. Based on due consideration and recommendation of the Hearing Officer, the Board believes the claim in the amount of \$8,000.00 should be approved.

Don Sullivan seconded. The motion carried unanimously.

OLD BUSINESS

Salesperson Licensing Update. Ron Kody reported that there are no issues with off-site testing and informed the Board that the testing volume at the old Sterling CSC is declining because of low demand. Board Chairman Holcomb informed the Board that the DMV will be open to the general public without an appointment on a first come first serve basis on Tuesdays, Thursdays and Saturdays (half-day). On Mondays, Wednesdays and Fridays the DMV will operate on an appointment basis only. This is effective starting on October 5, 2021. Once implemented, the old Sterling CSC will no longer be available for salesperson testing on Wednesdays.

Dealer Portal Update. William Childress informed the Board that the Board staff has been working closely with VITA to ensure that the Board meets all of VITA’s requirements concerning the dealer portal acquisition. William was confident that a contract would be in place prior to the next Board meeting. An update will be provided during the November Board meeting.

Legislative Updates – VADA and VIADA

VADA: Anne Gambardella indicated that there were no issues that concern the Board, but the VADA is looking at some Franchise issues.

VIADA: Gonzalo Aida indicated that VIADA did not have any legislation at this time.

OLD BUSINESS FROM THE FLOOR – There was no old business from the floor.

NEW BUSINESS

NEW BUSINESS FROM THE FLOOR – Chris Maher attended the National VIADA meeting and he questioned sales being conducted digitally. What is the stance with the Dealer Board? Chairman Holcomb indicated that he didn't think the DMV recognized digital signatures yet. However, Alacia Moore, Deputy Director VSA, clarified Chairman's comments by adding that the DMV does recognize electronic signatures on all vehicle documents except for the title and the title reassignment, which both require wet signatures.

Chairman Holcomb reminded all that the next Board meeting will be held on November 8, 2021.

EXECUTIVE DIRECTOR'S REPORT – William Childress reminded the Board that the criminal background check process has been with the dealerships for over a year now. William reported that complaints are drastically down involving salesperson licensing since requiring dealerships apply for background checks on applicants before submitting the application to the Board for processing. The process is about 95% effective, we still have some dealerships submitting pending background checks, but overall, the staff's time is spent processing the requests, not doing criminal background checks.

There being no further business to come before the Motor Vehicle Dealer Board, Chairman Holcomb adjourned the Full Board meeting at 10:58 a.m.